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Response under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2135

PATENT  
ATTORNEY DOCKET: 46970-5139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Hiroaki SHIBASAKI ) Confirmation No.: 6343  
)  
Application No.: 10/073,867 ) Group Art Unit: 2135  
)  
Filed: February 14, 2002 ) Examiner: Paula W. Klimach  
)  
For: DIGITAL INFORMATION )  
STORAGE SYSTEM AND )  
DIGITAL INFORMATION )  
DELIVERY SYSTEM )

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop AF  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Final Office Action dated January 26, 2006.
2. Additional papers enclosed:

<input type="checkbox"/>	Drawings: _____ sheets with _____ figures		
<input type="checkbox"/>	Information Disclosure Statement		
<input type="checkbox"/>	Form PTO-1449	05/11/2006 JADD01	00000054 10073867
<input type="checkbox"/>	Citations	01 FC:1251	120.00 OP
<input type="checkbox"/>	Declaration of Biological Deposit		
<input type="checkbox"/>	Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.		

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	5	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	1	minus	4	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$120.00 for the one-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**


By:

Paul A. Fournier

Registration No. 41,023

Dated: May 10, 2006

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